

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
A National Broadband Plan for Our Future)	GN Docket No. 09-51
)	
Establishing Just and Reasonable Rates for Local Exchange Carriers)	WC Docket No. 07-135
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Developing an Unified Inter-carrier Compensation Regime)	CC Docket No. 01-92
)	
Federal-State Joint Board on Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109
)	
Universal Service Reform – Mobility Fund)	WT Docket No. 10-208

**INITIAL COMMENTS OF
COPPER VALLEY WIRELESS ON
CORDOVA WIRELESS PETITION FOR WAIVER REQUEST**

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EXECUTIVE SUMMARY

Communications companies operating in Alaska provide service to customers in some of the most remote and challenging areas in the country. Copper Valley Wireless (CVW) is an Alaska wireless carrier which is a wholly owned subsidiary of Copper Valley Telephone Cooperative. In addition to providing wireless coverage to the study area for its parent company, CVW also serves much of the same area as Cordova Wireless with the exception of the Yakutat area. CVW also provides cellular service in Whittier, which is located on the western side of Prince William Sound. CVW's interest in the instant petition is to ensure that the facts are accurately presented enabling equitable treatment by the Commission in future decisions.

The Cordova coverage maps in the non-redacted materials are neither precise nor accurate. The maps appear to indicate that Cordova is providing service in Valdez, Whittier and other locations that are not currently served by this carrier.

Cordova attempts to establish a special status with respect to being a public safety communications provider. This is not an accurate portrayal, as Copper Valley Wireless provides service to the Alaska State Troopers in Cordova, the US Coast Guard-Sycamore (buoy tender based in Cordova), and the city of Cordova, which includes the Cordova Police and Fire Departments.

In order to assist with the evaluation of the veracity of the data that Cordova has filed with the Commission, we share a recent experience that we are currently engaged in with Cordova related to its application for a Forest Service permit. In this case, the site coordinates listed in the initial notice did not correspond with any existing communications site. Simply stated, we are concerned that some of these same

inaccuracies will be found in the data that Cordova redacted in the instant Petition for Waiver.

INTRODUCTION AND BACKGROUND

The purpose of these comments is to respond to the Public Notice from the Federal Communications Commission released on October 11, 2012 related to the Cordova Wireless Communications, Inc. Petition for Waiver of Universal Service Rules. In the instant Public Notice, the Commission seeks comment on issues raised by Cordova Wireless through their attorneys. We are pleased to have the opportunity to offer specific comments, highlighting factual errors in the Cordova Petition for Waiver.

Copper Valley Wireless (CVW) is an Alaska wireless carrier which is a wholly owned subsidiary of Copper Valley Telephone Cooperative. In addition to providing wireless coverage to the study area for its parent company, CVW also serves much of the same area as Cordova Wireless with the exception of the Yakutat area.

Copper Valley Telephone Cooperative (CVTC) is a rural Alaska cooperative serving six exchanges and is headquartered in Valdez, Alaska. CVTC and its affiliate CVW serve some of the most remote and challenging areas in Alaska.

CVW operates in an area of over 15,000 square miles in 8 exchanges. The corporate office for CVW is in Valdez. The wireless switch is located in the Glennallen office located 100 miles away. It is a two hour drive over Thompson Pass that traverses the Chugach Mountain range. The Glennallen District serves four exchanges covering approximately 8,800 square miles. It is a two hour drive from the Glennallen office to the Mentasta exchange. It is a four hour plus drive to the McCarthy exchange that is

located within the country's largest national park. In addition to this area, CVW also serves the Prince William Sound area as well as Cordova down to the Copper River and west to Whittier.

THE CORDOVA WAIVER CONTAINS SIGNIFICANT FACTUAL ERRORS

The Cordova maps are inconsistent with actual data

We tasked our wireless engineer with a review of the non-redacted data contained in the Cordova petition. He offered the following observations: Cordova has cellular sites licensed at Tripod Hill, Heney Ridge, Johnstone Point, Naked Island, Flag Point and Yakutat. Our wireless engineer is unable to determine what they used for the basis of their coverage, but it does not comport with any technical analysis that he has ever seen. According to the Cordova map, they currently provide service to Valdez and the entire Valdez Bay area as well as Whittier. This is impossible based on terrain. Based on terrain, it is unlikely that they have any signal at Tatitlek. Their map specifically calls out Middleton Island, which is roughly 77 miles away from Heney Ridge and 80 miles from Flag Point. Our wireless engineer asserts that it is not plausible that there is a scenario where Cordova is providing adequate service to Middleton Island from their existing sites.

The non-redacted Cordova coverage maps appear very inaccurate, including showing that they currently serve Valdez, which they cannot legally do and Whittier, which they currently do not serve.

On page 4 of its filing, Cordova's footnote 7 states: "The area in which Cordova is the sole provider of mobile service does not cover any road miles; however, it covers

land, including the majority of Montague Island, the 26th largest island in the United States”. The FCC’s public map of Cordova’s CGSA indicates that a small portion of Montague Island is included in Cordova’s license area. Thus, footnote 7 on page 4 of the Cordova Petition incorrectly states that Cordova’s system covers “the majority of Montague Island”. Cordova also fails to mention the fact that there are no permanent residents on Montague Island. The island is used primarily for recreation and hunting.

On page 7 of its filing, Cordova also states: “Drive test data demonstrating that Cordova is the sole provider in a significant portion of its Cordova wireless service area is attached as Exhibit F.” We find that the only areas that the petitioner shows as “Cordova only” service are the fringe areas north of the airport and the area around Flag Point. We wouldn’t call this a “significant” portion of their service area. Cordova also characterizes Copper Valley Wireless (CVW) coverage as compared to theirs inaccurately. The CVW footprint covers almost the entire Cordova footprint with the exception of Yakutat and a small area served by their Flag Point site east of the Cordova. Copper Valley Wireless provides broadband coverage through most of the Cordova footprint.

On page 8, when Cordova states that they are the sole provider in a significant portion of their service area, such a statement is only applicable in Yakutat, which does not constitute a significant portion of their service area.

The Cordova public safety assertions are incorrect

At page 11 of its Petition, Cordova attempts to establish a special status with respect to being a public safety communications provider. This is not an accurate portrayal, as Copper Valley Wireless is a wireless service provider for the Alaska State

Troopers in Cordova, the US Coast Guard-Sycamore (buoy tender based in Cordova), and the city of Cordova, which includes the Cordova Police and Fire Departments.

The Cordova data misstates the competitive situation in Yakutat

When Cordova refers to Alaska RSA 3, the petitioner is referring to Yakutat.

Cordova attempts to establish its sole presence in Yakutat, but the facts in place show that this is simply not the case.

Cordova has made a filing with the Regulatory Commission of Alaska (RCA) for ETC status for Yakutat. This Cordova request, yet to be granted, is that the ACS of the Northland, Inc. Sitka-Bush study area be redefined to create a new study area consisting solely of the Yakutat exchange. The RCA has opened docket U-12-135 to hear this matter and received comments on November 5, 2012 from both ACS Wireless and GCI that object to various aspects of the Cordova request.

Further complicating the Yakutat situation is a GCI presence. In its November 5, 2012 comment filing in U-12-135, GCI indicated that it plans to serve Yakutat in 2013. GCI indicated in its footnote 2 in that filing that it intends to forfeit the Yakutat Mobility Fund I support bids it won and instead deploy a 2G data and voice network in Yakutat in 2013. At page 4-6 of its U-12-135 comments, GCI states in part: “*CWC thus seized its opportunity to apply for a waiver of the 2014 phase down for all of its current service area immediately relying on Yakutat where it is **(for the moment)** a sole provider. (emphasis added) GCI believes CWC (Cordova) is unlikely to prevail in its waiver. The FCC is unlikely to grant forward-looking waivers to Alaska CETCs for USF phase down in 2014 until Mobility Fund II and Tribal Mobility Fund II are more clearly defined. . . It seems disingenuous to argue on one hand that CWC is financially fragile . . . and at the*

*same time assert that CWC is capable of providing service throughout Yakutat . . .CWC's
Petition is premature . . .CWC is not the victim here; CWC, conscious of the risks,
willingly undertook its Yakutat service for its own business reasons."*

While not as dramatic as some of the other service locations for either Cordova or Copper Valley, the Cordova site at Yakutat is on the 200 ft. tall structure built by Global Tower at the Alascom site located just southwest of the village and accessible from the village by a well-maintained road. Despite Cordova's assertion to the contrary, this would not qualify as mountain top or helicopter only access.

THE INFORMATION RELATED TO THE FOREST SERVICE PERMIT IS INDICATIVE OF POTENTIAL PROBLEMS WITH REDACTED DATA

In order to assist with the evaluation of the veracity of the data that Cordova has filed with the Commission, we share a recent experience that we are currently engaged in with Cordova related to its application for a Forest Service permit.

As background, on October 1, 2012, a Notice was prepared describing a proposed project by Cordova Telephone Company and its subsidiary to construct towers and associated facilities at two sites on USFS land in Prince William Sound. The Notice indicates that the Forest Service is proposing to use its categorical exclusion process to satisfy the National Environmental Policy Act (NEPA) requirements, and is seeking comments on the proposed project.

The site coordinates listed in the initial notice did not correspond with any existing communications site. The initial notice also referred to a Figure 1 as a red dot on a map and lists coordinates for which there is no existing communications site at the

coordinates shown on the Figure 1 map. It was not until CVW made note of this discrepancy in its comments that the record was corrected.

Simply stated, we are concerned that some of these same inaccuracies will be found in the data that Cordova redacted in the instant Petition for Waiver.

CORDOVA WIRELESS IS NOT UNIQUE – IT IS ONE OF SEVERAL ALASKA WIRELESS COMPANIES THAT SERVE RURAL CUSTOMERS

Copper Valley Wireless provides service to much of the same areas as Cordova Wireless. Simply stated, they are not the only company that is operating in the harsh environment of Prince William Sound. Communications companies operating in Alaska provide service to customers in some of the most remote and challenging areas in the country. Three factors exacerbate the challenge: sparse population, lack of highway infrastructure, and topography and climactic conditions.

Sparse population

The service territory for Copper Valley Wireless is approximately 15,000 square miles. This equates to a service territory that is larger than the State of New Hampshire, but with a much smaller population of approximately 7,000. This equates to a population density of less than one person per square mile.

Lack of highway infrastructure

Four of the six exchanges served jointly by CVW and CVTC are on the road system (Valdez, Glennallen, Chitina, and Mentasta). The two exchanges served that are not on the road system provide logistical challenges.

Tatitlek is a native village in Prince William Sound. To get to Tatitlek, it is a 20 minute small plane ride or a 2 hour boat ride. In order to provide broadband service to this Alaska native village, CVTC and its affiliates constructed a microwave system that required four hops. The longest hop is approximately 40 miles over water. To access three of the four remote microwave hop sites requires the use of a helicopter for transportation.

The McCarthy exchange is located 90 miles off the Richardson Highway. Approximately two thirds of this distance is on an old railroad bed. During the summer season, it requires about a four hour drive from the nearest CVTC office. During the winter, access is limited as the one hour flight required may be grounded due to the extremely cold temperatures (minus 50 degrees Fahrenheit) often experienced in that region. CVW also maintains five additional cellular sites in Prince William Sound and Cordova. Four of these sites require helicopter access.

Topography and climactic conditions

In addition to the distances, the operating environment is extreme. Valdez receives an average of 327 inches (27.25 feet) of snow annually. The Glennallen District sees winter temperatures of -50 degrees F in the winter season and lightning storms in the summer.

Respectfully submitted,

Via ECFS at 11/13/12

David Dengel
CEO/General Manager